

Senate Study Bill 1268

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
REBUILD IOWA BILL BY
CHAIRPERSON HOGG)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the prescription drug donation repository
2 program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2414SC 83
5 pf/nh/14

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1 1 Section 1. Section 135M.1, Code 2009, is amended to read
1 2 as follows:
1 3 135M.1 PURPOSE.
1 4 The purpose of this chapter is to improve the health of
1 5 low-income and vulnerable Iowans through a prescription drug
1 6 donation repository that authorizes medical facilities, and
1 7 pharmacies, and the department to redispense prescription
1 8 drugs and supplies that would otherwise be destroyed.
1 9 Sec. 2. Section 135M.3, subsections 2 and 4, Code 2009,
1 10 are amended to read as follows:
1 11 2. Donations of prescription drugs and supplies under the
1 12 program may be made on the premises of a medical facility or
1 13 pharmacy that elects to participate in the program and meets
1 14 the requirements established by the department or may be made
1 15 directly to the department at locations authorized by rule.
1 16 4. a. A medical facility or pharmacy that receives
1 17 prescription drugs or supplies may distribute the prescription
1 18 drugs or supplies to another eligible medical facility or
1 19 pharmacy for use pursuant to the program.
1 20 b. The department may distribute prescription drugs or
1 21 supplies received under this chapter to a department employee,
1 22 agent, or volunteer, or directly to an eligible individual,
1 23 for use by an eligible individual pursuant to the program.
1 24 Sec. 3. Section 135M.4, subsection 1, paragraph c, Code
1 25 2009, is amended to read as follows:
1 26 c. The prescription drug or supplies are inspected before
1 27 the prescription drug or supplies are dispensed by a licensed
1 28 pharmacist employed by or under contract with the medical
1 29 facility, or pharmacy, or the department and the licensed
1 30 pharmacist determines that the prescription drug or supplies
1 31 are not adulterated or misbranded.
1 32 Sec. 4. Section 135M.4, subsection 3, Code 2009, is
1 33 amended to read as follows:
1 34 3. a. If a person who donates prescription drugs under
1 35 this chapter to a medical facility, or pharmacy, or the
2 1 department receives a notice from a pharmacy that a
2 2 prescription drug has been recalled, the person shall inform
2 3 the medical facility, or pharmacy, or the department of the
2 4 recall.
2 5 b. If a medical facility, or pharmacy, or the department
2 6 receives a recall notification from a person who donated
2 7 prescription drugs under this chapter, the medical facility,
2 8 or pharmacy, or the department shall perform a uniform
2 9 destruction of all of the recalled prescription drugs in the
2 10 medical facility, or pharmacy, or the department.
2 11 Sec. 5. Section 135M.4, subsection 5, paragraph a,
2 12 unnumbered paragraph 1, Code 2009, is amended to read as
2 13 follows:
2 14 Requirements for medical facilities, and pharmacies, and
2 15 the department to accept and dispense donated prescription
2 16 drugs and supplies, including all of the following:
2 17 Sec. 6. Section 135M.4, subsection 5, paragraph b, Code
2 18 2009, is amended to read as follows:

2 19 b. (1) Eligibility criteria for individuals to receive
2 20 donated prescription drugs and supplies dispensed by medical
2 21 facilities and pharmacies under the program. The standards
2 22 shall prioritize dispensing to individuals who are indigent or
2 23 uninsured, but may permit dispensing to other individuals if
2 24 an uninsured or indigent individual is unavailable.

2 25 (2) Eligibility criteria for individuals to receive
2 26 donated prescription drugs and supplies dispensed directly by
2 27 the department or the department's employees, agents, or
2 28 volunteers. The department shall accept and dispense donated
2 29 prescription drugs and supplies during or in preparation for a
2 30 state of disaster emergency proclaimed by the governor
2 31 pursuant to section 29C.6 or during or in preparation for a
2 32 public health disaster as defined in section 135.140,
2 33 subsection 6.

2 34 Sec. 7. Section 135M.5, subsection 2, Code 2009, is
2 35 amended to read as follows:

3 1 2. Except as provided in subsection 3, a person ~~other~~
3 2 ~~than, including the department or the department's employees,~~
3 3 ~~agents, or volunteers but not a drug manufacturer~~ subject to
3 4 subsection 1, acting reasonably and in good faith, is immune
3 5 from civil liability and criminal prosecution for injury to or
3 6 the death of an individual to whom a donated prescription drug
3 7 is dispensed under this chapter and shall be exempt from
3 8 disciplinary action related to the person's acts or omissions
3 9 related to the donation, acceptance, distribution, or
3 10 dispensing of a donated prescription drug under this chapter.

3 11 EXPLANATION

3 12 This bill provides that in addition to pharmacies and
3 13 medical facilities that participate in the prescription drug
3 14 donation repository (Code chapter 135M), the department of
3 15 public health may also receive donations of prescription drugs
3 16 and supplies to redispense. The bill provides that the
3 17 department may distribute prescription drugs and supplies
3 18 received through the program to a department employee, agent,
3 19 or volunteer, or directly to an eligible individual, for use
3 20 by eligible individuals as provided by rule under the program.
3 21 The bill also directs the department to adopt rules that
3 22 specify eligibility criteria for individuals to receive
3 23 donated prescription drugs and supplies dispensed directly
3 24 from the department, its employees, agents, or volunteers,
3 25 during or in preparation for a proclaimed state of disaster
3 26 emergency or a public health disaster.

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